

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

ZAVIUS AVERETTE, #217905	)	
	)	
Plaintiff,	)	
	)	
V.	)	2:06-CV-399-MHT
	)	
LT. WILLIE COPELAND. et al.	)	
	)	
Defendants.	)	

**AFFIDAVIT**

**State of Alabama :**

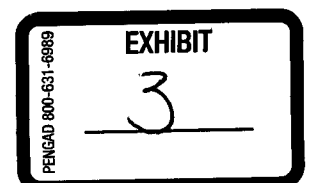
**Elmore County :**

Before me, the undersigned authority, a Notary Public in and for said County and State of Alabama at Large, personally appeared Annie Latimore, who being known to me and being by me first duly sworn, deposes and says on oath as follows:

My name is Annie Latimore. I am presently employed as a Correctional Officer I and serve in the capacity as Alternate Custodian of Records at State Correctional Facility, P.O. Box 56, Elmore, Alabama 36025. I am over twenty-one years of age and have personal knowledge of the facts set forth below.

I have reviewed the complaint of Inmate Zavious Averette and this is my response to his complaint.

In this civil action, I understand from reading his complaint that Inmate Averette alleges that Officer Annie Latimore had knowledge of his alleged physical and verbal abuse by Lt. Copeland.



Inmate Zavious Averette was escorted to the Shift Commanders' Office by Lt. Copeland and reprimanded for a violation of rule #38-Indecent Exposure/Exhibitionism and rule #50 – Being in an Unauthorized Area. Officer Latimore was present in the Office when Lt. Copeland escorted Inmate Averette into the Shift Commanders' Office. At no time did I see Lt. Copeland neither strike Inmate Averette nor did I state to Lt. Copeland don't hit him in the head.

To my knowledge, the above-related facts are the entirety of my involvement with Inmate Averette concerning the allegations on which his complaint is based.

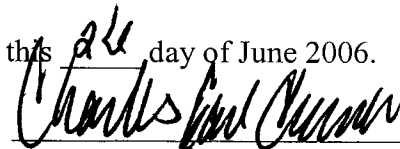
I deny that I have violated any well-established civil rights of Inmate Averette.

The attached *State of Alabama Board of Corrections Institutional Incident* number SCF-04-0768 consisting of five pages and the *Alabama Department of Corrections Disciplinary Report* number SCF-04-0768 consisting of two pages are true, exact and correct photocopies of documents maintained in the institutional files.

I further certify and affirm that said documents are maintained in the usual course of business at Staton Correctional Facility and that said documents and entries therein were made at or reasonably near the time that such acts, events and transactions referred to therein are said to have occurred.

  
ANNIE LATIMORE

SWORN TO and SUBSCRIBED before me this 24 day of June 2006.

  
NOTARY PUBLIC  
4/4/2010  
My Commission Expires:

STATE OF ALABAMA  
BOARD OF CORRECTIONS

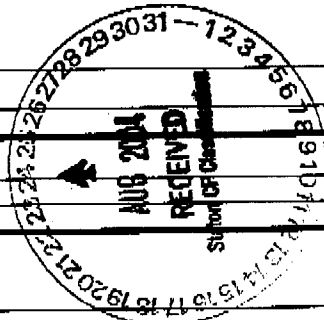
## INSTITUTIONAL INCIDENT REPORT

N601

D of C

DOC No. 601 (REV. 4/81)

1. Institution: <b>Staton Correctional Center</b>		2. Date: <b>August 15, 2004</b>		3. Time: <b>11:00 AM.</b>		4. Incident Number: <b>SCC-04-0768</b>	
5. Location Where Incident Occurred: <b>Staton Package Room/Common Area</b>				6. Type of Incident: RV#-38- Indecent Exposure/ Exhibitionism <b>RV#-50-Being in an Unauthorized Area</b>			
7. Time Incident Reported: <b>11:40 AM.</b>				8. Who Received Report: <b>Captain George Edwards</b> <i>H Edwards</i>			
9. Victim: a. <u>N/A</u> (type full name)				No. <u>N/A</u>			
b. _____ (type full name)				No. _____			
10. Suspects:		11. Witnesses:					
a. <u>Zavius Averette</u>	No. <u>B/217905</u>	a. _____	No. _____				
b. _____	No. _____	c. _____	No. _____				
c. _____	No. _____	d. _____	No. _____				
d. _____	No. _____	e. _____	No. _____				
e. _____	No. _____	f. _____	No. _____				
		g. _____	No. _____				
Physical Evidence:							
12. Type of Evidence: <u>N/A</u>							
13. Description of Evidence: <u>N/A</u>							
14. Chain of Evidence:							
a. <u>N/A</u>							
b. _____							
c. _____							
d. _____							
15. Narrative Summary:							
<p>On August 15, 2004, Lieutenant Willie Copeland was assigned as Staton First Shift Commander. At approximately 11:00 AM, Lt. Copeland observed Inmate Zavius Averette, AIS#-217905, standing in the Staton's Package Room, near the Common Area. Inmate Averette's penis was exposed and Inmate Averette's was stroking Inmate Zavius penis in a back and forth motion, while looking in the direction of the Pill Call Room. Nurse Sharon Richie was in the Pill Call Room, dispensing medication.</p> <p>Lt. Copeland instructed Inmate Averette into Staton Shift Office. Lt. Copeland verbally reprimanded Inmate Averette in regards to Inmate Averette's inappropriate behavior, rule violation #38- Indecent Exposure. Also, Lt. Copeland advised Inmate Averette that Inmate Averette was also in an Unauthorized Area, rule violation #50- being in an Unauthorized Area. At approximately 11:05 AM, First Shift Nurse Adaire, examined Inmate Averette. At approximately 11:15 PM., Inmate Averette was placed in Holding Unit, Cell#3 pending disciplinary actions for RV's #38&amp;#50—Indecent Exposure and Being in An Unauthorized Area. At approximately 11:40 AM, Lt. Copeland notified Captain George Edwards of the incident.</p> <p>See attachment.</p>							
						<i>Willie Copeland</i> Lieutenant Willie Copeland	



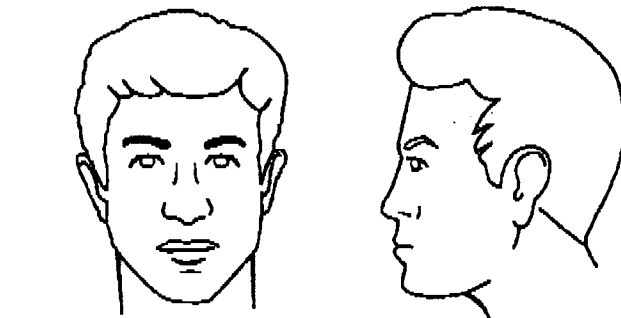
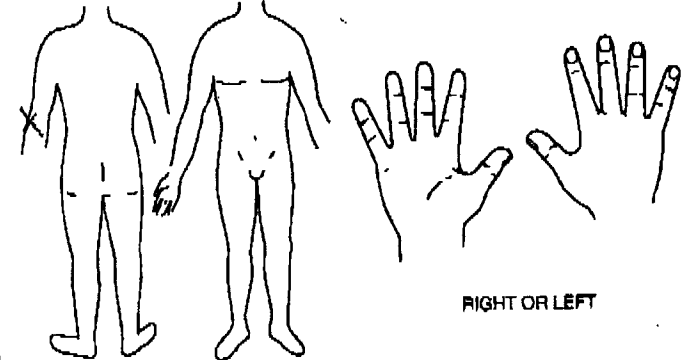
## DISTRIBUTION:

ORIGINAL Investigation and Inspection Division  
 COPY to Deputy Commissioner, Institutions  
 COPY to Institutional File COPY to Central Records File

8/20/04  
*[Signature]*



## EMERGENCY

ADMISSION DATE 08/15/04		TIME 11:12 AM	ORIGINATING FACILITY SIC		<input type="checkbox"/> SICK CALL <input type="checkbox"/> EMERGENCY <input type="checkbox"/> OUTPATIENT	
ALLERGIES NKA			CONDITION ON ADMISSION <input checked="" type="checkbox"/> GOOD <input type="checkbox"/> FAIR <input type="checkbox"/> POOR <input type="checkbox"/> SHOCK <input type="checkbox"/> HEMORRHAGE <input type="checkbox"/> COMA			
VITAL SIGNS: TEMP 97.2		ORAL RECTAL	RESP 20	PULSE 92	B/P 130/92	RECHECK IF SYSTOLIC <100> 50
NATURE OF INJURY OR ILLNESS S. "I hurt my Arm."			ABRASION ///   CONTUSION #   BURN xx xx   FRACTURE Z Z   LACERATION / SUTURES			
PHYSICAL EXAMINATION D Superficial laceration to elbow. A other bruises & abrasions noted. 07 Sat 97			 PROFILE RIGHT OR LEFT			
			 RIGHT OR LEFT			
A. Attention, NKA integrity P. HCP reviewed			ORDERS / MEDICATIONS / IV FLUIDS Clean up E.N.S. Apply AD to area Bandage applied.			
			TIME   BY			
DIAGNOSIS						
INSTRUCTIONS TO PATIENT Don't forget Sick Call for any problems.						
DISCHARGE DATE 08/15/04		TIME 11:12 AM	RELEASE / TRANSFERRED TO DOC <input type="checkbox"/> AMBULANCE <input type="checkbox"/>		CONDITION ON DISCHARGE <input type="checkbox"/> SATISFACTORY <input type="checkbox"/> POOR <input checked="" type="checkbox"/> FAIR <input type="checkbox"/> CRITICAL	
NURSE'S SIGNATURE [Signature]		DATE 08/15/04	PHYSICIAN'S SIGNATURE		DATE	
INMATE NAME (LAST, FIRST, MIDDLE)			DOC#	DOB	R/S	FAC.
[Signature]			217905	6/28/79	B/M	[Signature]

STATON CORRECTIONAL FACILITY  
INMATE DETENTION NOTIFICATIONFROM: Lt. Willie Copeland TEAM LEADERTO: INMATE Zavius Averette AIS# B/217905 DOB: 6/27/79

REF: ADMINISTRATIVE SEGREGATION

On August 15, 2004 at approximately 11:00 AM, Lt Willie Copeland, observed Inmate Zavius Averette B/217905 standing in the Old Package Room in the Common Area with his penis exposed stroking Inmate Averette penis in a back and forth motion while looking in the direction of the Pill Call Room at Nurse S. Richie

You are placed in Administrative Segregation for:

Pending disciplinary action for a Rule #38, Indecent Exposure/Exhibitionism.

Circumstances are as follows (be specific):

This is authorized by Warden Willie Thomas this 15 th day of August, 2004  
Your confinement in Segregation is for a period of not more than seventy-two (72) hours. Prior to 72 hours confinement, you will be released, served a PR (Progress Review), disciplinary notice or extended. Extensions must be authorized by the Assistant Warden for further investigation time when justified. The 72 hour confinement excludes weekends and holidays. You may also be confined in Segregation by order of I & I for investigation, criminal prosecution, etc.  
While in Administrative Segregation, you will be seen by the Shift Supervisor, a nurse, and officer's daily. You will be seen by a medical doctor upon request from the nurse. You **will not** be permitted television (No exceptions) personal newspapers, books, or magazines. You will be given a verbal and written orientation concerning policy and procedures of the Segregation Unit at the time you enter the Unit. You will be provided a healthy environment and personal hygiene items (soap, towel, comb, toothbrush and face cloth). You are not allowed to keep personal items. Clothing and bedding will be issued by the Segregation Unit. Reading materials allowed are one (1) religious book, one (1) additional book or magazine from the Institutional Library and one (1) Alcohol Anonymous and/or Narcotic Anonymous book. You may receive one (1) visit per month by person(s) on your approved visiting list. Request for visits must be sent to the Assistant Warden. You will be permitted one (1) phone call per month by request to the Assistance Warden. Canteen privileges will be authorized on a limited basis. Your signature below indicates that you have collected and secured all of your property from population, and acknowledge receipt of the detention notice

INMATE SIGNATURE Zavius Averette AIS # 217905DATE: 8-15-04 TIME: 1230PWITNESS: Robert L. L. L.

\* Inmate's property has been collected and placed into the custody of the Segregation Unit.

**STATON CORRECTIONAL FACILITY  
CELL BLOCK INSPECTION SHEET**

TIME: 11:50 am DATE: 8-15-04  
 INMATE: ZAVU'S AVERETTE AIS #: 217905 CELL #: 3  
 INSPECTING OFFICER'S SIGNATURE: [Signature]  
 WALLS: good  
 FLOORS: good  
 BED: good  
 COMMODE: good  
 LAVATORY: good  
 OTHER ITEMS: \_\_\_\_\_

I certify that my cell 3 has been inspected by Officer KENDRICK  
 on the 15<sup>th</sup> day of August 2004, and the above noted defects were found.  
 I am responsible for keeping my cell in the same condition outlined.

[Signature] 217905  
 INMATE'S SIGNATURE

I certify that I have explained the rules and regulations to the above named inmate and have completely searched the cell for any contraband and there was no contraband found on this date:

August 15<sup>th</sup> 2004 12:05 PM  
 DATE AND TIME CELL WAS SEARCHED

[Signature]  
 Officer's Signature

<input checked="" type="checkbox"/>	Blanket	<input checked="" type="checkbox"/>	Toothbrush
<u>2</u>	Sheets	<input checked="" type="checkbox"/>	Tube of Toothpaste
<u>1</u>	Pair Socks	<input type="checkbox"/>	Comb
<input checked="" type="checkbox"/>	Pair of Shoes	<input checked="" type="checkbox"/>	Wash Cloth
<input checked="" type="checkbox"/>	Under Shorts	<input checked="" type="checkbox"/>	Bar of Soap
<input checked="" type="checkbox"/>	Under Shirt	<input checked="" type="checkbox"/>	Towel
<input checked="" type="checkbox"/>	Pillow	<input checked="" type="checkbox"/>	Shirt
<input checked="" type="checkbox"/>	Pillow Case	<input checked="" type="checkbox"/>	Pants
<input checked="" type="checkbox"/>	Mattress	<input checked="" type="checkbox"/>	Jacket (weather detates)

Issuing Officer: [Signature]

Processing Officer: [Signature]



INSTITUTION: STATION C FINMATE ZAVIUS AvenetteDATE 8-15-04B1Red/White Air Max

- |   |  |
|---|--|
| <u>0</u> 1. BIBLE (1)                                       | <u>1</u> 9. TENNIS SHOES - WHITE (1 pr.)   |
| <u>yes</u> 2. STATIONARY/STAMPS                             | <u>2</u> 10. SHOWER SHOES (1 pr.) <u>Slide</u>   |
| <u>0</u> 3. PENCIL (1)                                      | <u>0</u> 11. RELIGIOUS NECKLACE (1) - \$25.00 VALUE OR LESS                            |
| <u>3</u> 4. SOCKS - WHITE (6 pr.)                           | <u>0</u> 12. WALLET (1)  |
| <u>7/6</u> 5. UNDERSHIRTS/UNDERWEAR - WHITE (6)             | <u>0</u> 13. WRIST WATCH (1) - \$25.00 VALUE OR LESS                                   |
| <u>0</u> 6. HANDKERCHIEFS (6)                               | <u>0</u> 14. WEDDING BAND (1) - \$50.00 VALUE OR LESS                                  |
| <u>yes</u> 7. TOILET ARTICLES - CLEAR, NON-GLASS CONTAINERS | <u>1</u> 15. RADIO - EARPHONES (1 ea.) - <u>Store Sony</u><br>PURCHASED FROM CANTEN    |
| <u>X</u> 8. LEGAL PAPERS                                    | <u>3</u> 16. BOOKS (3) - RELIGIOUS, LEGAL OR EDUCATIONAL (APPROVAL BY WARDEN REQUIRED) |

**DECLARATION OF VALUE**

I UNDERSTAND THAT RELIGIOUS NECKLACES OR WRIST WATCHES VALUED AT MORE THAN \$25.00, AND WEDDING BANDS VALUED AT MORE THAN \$50.00 ARE UNAUTHORIZED AND MUST BE SENT HOME AT MY EXPENSE WITHIN THIRTY (30) DAYS OR IT WILL BE DONATED TO CHARITY OR DESTROYED. I HEREBY DECLARE THE VALUE OF MY PERSONAL PROPERTY TO BE:

RELIGIOUS NECKLACE \$ 0 WRIST WATCH \$ 0 WEDDING BAND \$ 0

Zavious Avenette  
(INMATE SIGNATURE)

Debra L. Kelly  
(WITNESS)

**PROPERTY STORED IN THE RECEIVING AREA:**

YOU HAVE THIRTY (30) CALENDAR DAYS FROM THE ABOVE DATE TO DISPOSE OF THE FOLLOWING ITEMS. YOU MAY SEND THE BELOW ITEMS HOME BY VISITORS, MAIL THE ITEMS HOME AT YOUR EXPENSE, OR DONATE THE ITEMS TO CHARITY. IF THESE ITEMS ARE NOT REMOVED IN THIRTY (30) DAYS, THEY WILL BE DESTROYED. BELOW ARE THE ITEMS YOU ARE NOT AUTHORIZED TO KEEP.

- |                  |                       |                 |
|------------------|-----------------------|-----------------|
| *1- Box letter   | *1- Toothbrush Holder | *2- Towel       |
| *1- Leather Belt | *2- Toothpaste        | *1- Sweat pants |
| *4- Sprute       | *2- Lotion            | *3- Face Cloth  |
| *6- Coke         | *1- Lotion            | *1- Towel       |
| *3- Ambi Soppa   | *3- Shampoo           |                 |
| *7- Laven        | *1- Grease            |                 |
| *1- Dove         | *1- State Brochure    |                 |
| *4-              | *1- Throat Set        |                 |

Zavious Avenette  
(INMATE SIGNATURE)

Debra L. Kelly  
(WITNESS)

(See reverse side for instructions)

SCC-04-0708

DOC Form 223B (Revised 7/92)

ENTERED AUG 25 2004

1. INMATE Zavius Averette CUSTODY: Medium AIS NO: 217905

2.

3. The above named inmate is being charged by Lt. Willie Copeland with a violation of Rule Number #38 specifically Indecent Exposure/ Exhibitionism from regulation #403, which occurred on or about August 15, 2004 (time) 11:00AM Location: Old Package Room in Common Area. A hearing on this charge will be held after 24 hours from service.

4. Circumstances of the violation(s) are as follows: On August 15, 2004, at approximately 11:00AM, Lt. Willie Copeland, observed Inmate Zavius Averette B/217905 standing in the Old Package Room in the Common Area with his penis exposed stroking Inmate Averette penis in a back and forth motion while looking in the direction of the Pill Call Room at Nurse Sharon Richie dispensing medication.

5. Lt. Willie Copeland, COSI  
Arresting Officer / Typed / Rank

Willie Copeland, COSI  
Arresting Officer / Signature / Rank

6. I hereby certify that I have personally served a copy of the foregoing upon the above named inmate and I informed inmate of his right to present a written or oral statement at the hearing and to present written questions for the witnesses on this the 15<sup>th</sup> day of August, 2004, at (time) 12:35 pm (am/pm).

7. Leahal Lencovich  
Serving Officer / Signature / Rank

Willie Copeland 217905  
Inmate's Signature / AIS Number

8. Witnesses desired? NO  
Inmate's Signature

YES Willie Copeland  
Inmate's Signature

9. If yes,  
list: Reginald Knight

10. Hearing Date 8/19/04 Time 2:30 pm Place Station Shift Office

11. Inmate must be present in Hearing Room. If he is not present explain in detail on additional page and attach.

12. A finding is made that inmate (is) (is / is not) capable of representing himself.

Eddie Thompson, COSI  
Signature / Hearing Officer

13. Plea: X Willie Copeland Not Guilty Guilty

14. The Arresting Officer, Inmate, and all witnesses were sworn to tell the truth.

Eddie Thompson, COSI  
Signature / Hearing Officer

15. Arresting Officer's testimony (at the hearing):

On August 15, 2004, at approximately 11:00AM  
Lt. Willie Copeland, observed inmate Zavius Averette B/217905 standing in the  
Old Package Room in the Common Area with his penis exposed stroking inmate Averette  
penis in a back and forth motion while looking in the direction of the Pill Call Room  
at Nurse Sharon Richie dispensing medication.



16. Inmate's Testimony: Reginal Knight was going to the Law Library to get a legal folder from Courtney. Knight saw Lt. Copeland and told me to wait by the door of the package room. I went inside the package room. I went inside the package room to scare Courtney when he came by. Lt. Copeland saw me when he came into the hallway. I saw him before he saw me. He came into the package room and asked me what was I doing in the package room. He grabbed my by the shirt and pulled me into the shift office"

Witness: Reginal Knight Substance of Testimony: We were headed to the common area. I told Averette to stay in the common area until I went to the Law Library. I saw Lt. Copeland grab him and take him to the Shift Office. I did see anything else.

Witness: \_\_\_\_\_ Substance of Testimony: \_\_\_\_\_

Witness: N/A Substance of Testimony: N/A

17. The Inmate was allowed to submit written question to all witnesses.

Eddie Browning, COST  
Signature / Hearing Officer

18. The Following witnesses were not called - reason not called

1. N/A N/A  
2. \_\_\_\_\_  
3. \_\_\_\_\_

19. After hearing all testimony, the Hearing Officer makes the following findings of fact: (Be Specific)

The Hearing Officer find that on August 15, 2004, at approximately 11:00 AM, at Staton Correctional Center, Inmate Zavius Averette, AIS#217905, did expose his penis which is considered to be a private part of his body to the sight of Lt. Willie Copeland in a lewd/ indecent manner by standing in the package room with his penis exposed stroking his penis in a back and forth motion while looking in the direction of the pill call room at Nurse Sharon Richie dispensing medication. The HO further finds that any inmate at SCC who exposes to sight any of his private parts of his body in a lewd/indecnt manner is guilty of RV#38-Indecent Exposure

20. BASIC FOR FINDING: This finding is based on the testimony of Lieutenant Willie Copeland, the arrestin officer, who stated under oath, that he observer Inmate Zavius Averette, AIS#-219705, exposing his penis in a lewd or indecent manner by standing in the package room with his penis exposed stroking his penis in a back and forth motion. Inmate Averette's witness did not refute the charge. Therefore, The Hearing Officer finds Inmate Averette guilty of Rule #38, Indecent Exposure/Exhibition.

21. Hearing Officer's Decision: XX Guilty XX Major  
Not Guilty Minor

22. Recommendation of Hearing Officer: 45-days loss store, visit, 14days extra duty, refer to classification for custody review

Eddie Browning, COST  
Signature / Hearing Officer  
Lieutenant Eddie Browning  
Typed Name and Title

Warden's Action - Date 8/20/2004

Approved George Edwards, COST

Disapproved \_\_\_\_\_

Other (specify) \_\_\_\_\_

24. Reason if more then 30 calendar days delay in action. \_\_\_\_\_

25. I hereby certify that a completed copy of the foregoing Disciplinary Report was served on the above Named inmate on this the 23 day of August 2004, at (time) 5:57 (a) (p) (m)

St. Richard Gouze, COST  
Signature / Serving Officer / Title

Zavius Averette 217905  
Inmate's Signature and AIS Number